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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,757	07/31/2001	Philippe Clement	MGRN : 394	2804

7590 06/23/2004

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT PAPER NUMBER

2635

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,757

Applicant(s)

CLEMENT ET AL.

Examiner

Timothy Edwards, Jr.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10-14, 16-23, 25, 26, 29, 31, 39-42, 44-46 and 54-56 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 9, 15, 24, 27, 28, 30, 32-38, 43 and 47-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5-7,10-15,16-23,25,26,29,40-42,54-56 are rejected under 35

U.S.C. 102(e) as being anticipated by Sorrells et al [US 6,720,866].

Considering claim 1, Sorrells discloses a radio frequency identification tag device with sensor input comprising, electrical components and a monitoring device for the electrical component (see fig 2A and 2B); a) monitoring device comprising a receiving means connected to a sensor (see fig 2A and 2B, items 108 and 116); b) receiving means receives an electromagnetic radiation from an electromagnetic emitting means (see col 6, lines 26-32 and fig 7A and 7B).

Considering claims 2,16 Sorrells discloses the limitation of these claims see col 2, lines 1-17.

Considering claim 3, Sorrells discloses the limitation of this claim see col 2, lines 28-32.

Considering claims 5,6,7 Sorrells discloses the limitation of these claims see col 4, lines 35-38.

Considering claims 10,11 Sorrells discloses the limitations of these claims see col 2, lines 18-34.

Considering claim 12, Sorrells discloses the limitation of this claim see col 2, lines 50-61.

Considering claim 13, Sorrells discloses the limitation of this claim see col 3, lines 28-37 and fig 10.

Considering claim 14, Sorrells discloses the limitation of this claim see col 4, lines 13-18.

Considering claim 17, Sorrells discloses the limitation of this claim see col 8, lines 3-10 and fig 10.

Considering claims 18,19 Sorrells discloses the limitations of these claims see col 5, lines 39-47.

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Considering claim 20, Sorrells discloses the limitation of this claim see col 7, lines 39-46 and fig 10.

Considering claim 21, Sorrells discloses the limitation of this claim see col 2, lines 50-61.

Considering claims 22,23 Sorrells discloses the limitations of these claims see col 2, lines 46-49 and lines 65-67 and col 4, line 64 to col 5, line 6.

Considering claim 25, Sorrells discloses the limitation of this claim see col 2, lines 50-61.

Considering claim 26, Sorrells discloses the limitation of this claim see col 8, lines 3-6 and fig 10.

Considering claim 29, Sorrells discloses the limitation of this claim see figs 8A, 8B, and 9A-C.

Considering claim 40, Sorrells discloses the limitation of this claim see col 4, lines 35-39.

Considering claim 41, Sorrells discloses the limitation of this claim see col 6, lines 26-42 and figs 7A and 7B.

Considering claim 42, Sorrells discloses the limitation of this claim see col 2, lines 1-17.

Considering claim 54, Sorrells discloses the limitation of this claim see col 2, lines 18-28.

Considering claims 55,56 the limitations of these claims are interpreted and rejected as stated in claim 54.

Claims 30,31,39,44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorrells et al.

Considering claim 30, Sorrells does not specifically recite an initialization means connected to the input circuit and the encode circuit. However, examiner takes official notice the use of an initialization means is well known in the art.

Considering claim 31, Sorrells does not specifically recite arranging the electrical apparatus of his invention in a modular electrical switchgear case. However, Sorrells discloses in col 2, lines 18-34 and col 3, lines 1-20 the use of a plurality of electrical apparatus (switch sensors). One of ordinary skills in the art would readily recognize the

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placement of the Sorrells device in a switchgear module would alter or hinder the Sorrells system from carrying out its functions. Therefore, it would have been obvious to one of ordinary skill in the art to place the Sorrells device in a switchgear case because Sorrells discloses the detection of a plurality of switch means and the placement of the Sorrells device in any type of modular would allow it to function properly.

Considering claim 39, the limitation of this claim is interpreted and rejected as stated in claim 31.

Considering claim 44, Sorrells does not specifically recite communicating with a central unit. However, Sorrells discloses in col 7, lines 30-37 keeping track of the status and/or condition of several article (for example animal body temperature, blood chemistry, heart rate, etc). it is known in the art to seen this information to a remote central unit for analysis and processing. Therefore, it would have been obvious to one of ordinary skill in the art the Sorrells system would have means to communicate with a central unit because Sorrells is concern with the monitoring of data that is sent to a central unit for analysis and processing.

Considering claim 45, the limitation of this claim is interpreted and rejected as stated in claim 44.

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Considering claim 46, Sorrells discloses the limitation of this claim see col 5, lines 24-29.

***Allowable Subject Matter***

Claims 4,8,9,15,24,27,28,30,32-38,43,47-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is Katayama '184 and Turner et al '008. both references disclose the varying of the load impedance of the receiving antenna to generate a reply electromagnetic signal. Engle et al '683 and Klensch '762 discloses general knowledge of the present application.

2. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.



Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or fax to:

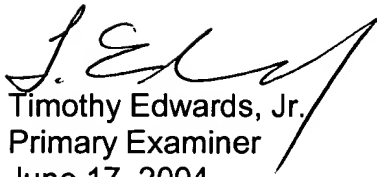
(703), 872-9314 (for formal communications intended for entry)

Or:

(for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
June 17, 2004